

HISTORY OF COLUMBUS
IN NINETEENTH CENTURY

(Continued from page five.)

ent of Education; Thomas Cooper (1818), Cincinnati Cooper (1818), grandfather to J. W. Cooper, circuit clerk; Conrad Hackleman (1818), Jesse Williams, Martin Franks and William Ellis.

On the north, Benjamin Hewson (1817), B. G. Hendricks, Sr., father to Mrs. Keeler and grandfather to Mrs. Flood; Thomas Sampson, Roddy Smith, Vaughan, Morris, Duncan, Smith, Mayfield and Murphy. A large portion of the Caledonia country was not settled until after 1840.

This record would be incomplete without another list of names, coming in the thirties, sixty or seventy years ago, who with those already mentioned made old Lowndes famous for its hospitable homes, good politics, pure religion and unimpeachable integrity, the writer recalls the names of Cox, Littleton, Gordon, Shields, Randolph, Meade, Neilson, Botters, Minter, Feemster, Rowan, Kidd, Thomas, Wood, Belk, Buck, Flood, Tunnell, Eubanks, Shirley, Enell, Barksdale, Payne, Jordan, Seal, Lauderdale, Crigler, Golding, Ellis, Adams, Acker, and Laws.

Among the general facts of historical interest it may be proper to mention that although the county on the east side of the Tombigbee River belonged to the Chickasaw Indians, there was an almost entire absence of evidence of Indian settlements, such as Indian relics, remains of Indian villages or farms, there being only one notable exception to the statement. Fifteen miles below Columbus, opposite Union Bluff, near the Tombigbee River, there is a large mound situated in the midst of an Indian field, the field being covered with pine trees apparently one or two centuries old. This mound appears to have been erected as a place of defense against other tribes or a place of safety for their stock in high water.

This portion of the country extending northward to Beaver and Bear Creeks was probably the hunting grounds of the Chickasaws as it abounded in deer, turkeys, bear, beaver, otter, wolves, and wild cats.

Another noticeable feature of this section was its complete isolation, being separated from all other parts of the State, on the south, west, and north by the territories of the Choctaw and Chickasaw Indians, one hundred and twenty or more miles in width, on which white settlers were not permitted to locate and through which nothing but Indian trails, not wagon roads, were allowed to run. It had to depend for its population and comforts of civilized life upon the State of Alabama, itself a sparsely settled wilderness.

For a verification of this feagre and rapid history of Lowndes county we are indebted to pages of facts, incidents and dates, collected by Hon. L. D. Landrum, Esq., who purposed, at one time, to write a history of Lowndes county. Notably, in his chapters, are the statement of Benjamin Hewson, (ninety years of age, taken down by his daughter in 1898, and Davie Craven (colored), taken down in his own language, both known to the writer and which we believe very nearly authentic. We hope Mr. Landrum will not permit his material for a history of Lowndes county to be lost or go unpublished.

Notwithstanding its isolation this territory in five years was sufficiently populated to be organized into Monroe county. Of even date with the organization of Monroe county, in 1821, the town of Columbus, with a wide-awake and commendable energy and with an intuition and wisdom, that looked like foresight, promptly availed itself of the very best assistance its new governmental relations could afford. The same legislature that organized Monroe county passed a bill directing the survey and lease of the sixteenth section on which Columbus was situated and the establishment of the Franklin Academy. This bill being the most important and oldest public document in the history of Columbus, we hereby append it in full.

For this copy of the bill we are indebted to Col. W. D. Humphries, ex-mayor of the City, who obtained it after persistent effort from the public records at Jackson, Miss. Columbus owes Col. Humphries a large and long debt of gratitude for securing this valuable document.

An Act to Authorize a Lease of Certain Town Lots Therein Named, and For Other Purposes.

Whereas, It has been made to appear that the town site of Columbus is included in the sixteenth section of fractional township number eight, east, range number eighteen, west of the basis meridian of Madison county, Alabama, therefore,

Section 1. Be it enacted by the Senate and House of Representatives of the State of Mississippi, in general assembly convened, That Wil-

liam Cocks, Gideon Linneum, Robert D. Hadden, Richard Barry, Thomas Townsend, Silas M'Be, John Deck, William Leech and David Kincaid, be and they are hereby appointed commissioners to lay out the southwest quarter of said fractional section, or so much of it as they may think suitable for town lots, which shall not contain more than one acre, nor less than one fourth of an acre, as they may deem proper.

Sec. 2. And be it further enacted, That when the commissioners shall have laid out said town lots, it shall be the duty of the county court of Monroe county, at the first term of court after the passage of this act, or at any subsequent term of said court, to appoint three agents for the purpose of leasing said town lots; and the said agents or a majority of them shall have power to lease the said lots for the term of ninety-nine years, reserving an annual rent therefor, payable on a certain day in each year, and to take security from the lessees as to insure a certainty and punctuality of payment; and in case of any vacancy in said agency, the said county court shall have power to fill the same as occasion may, from time to time, require. It shall be the duty of said agents or a majority of them, to give public notice at three public places in said county, of the day and place of leasing said lots at least twenty days previous thereto; and they shall on such day or days offer the said lots separately at public outcry, and the same shall be leased to the highest bidder.

Sec. 3. And be it further enacted, That it shall be the duty of the agents appointed, or a majority of them, under the direction of the said county court, to apply with impartiality the proceeds arising from the rents of said lots and lands to the purpose of education and no other, according to the direction of the act of congress, entitled "An act to provide for leasing certain lands reserved for support of schools," in the Mississippi Territory, approved the ninth day of January, eighteen hundred and fifteen; and that said agents shall before entering on the duties of their agency give security to the said county court, in such sum and penalty as said court shall require, conditioned for the faithful discharge of their duty in all respects.

Sec. 4. And be it further enacted, That the said agents shall have power and authority to lease for the purpose of improvement, or for an annual rent, the other lands in said county appropriated by the congress of the United States to the support of schools; they in all things conforming to the directions of the act of congress herein before referred to.

Sec. 5. And be it further enacted, That there shall be established in the county of Monroe an academy by the name of Franklin Academy.

Sec. 6. And be it further enacted, That the aforesaid commissioners hereinbefore expressly named of the president and trustees of Franklin Academy, and by that name shall be capable in law, to sue and be sued, implead and be impleaded, in any of the courts of law or equity in this State, to receive all donations, and in general, may do all acts for the benefit of said Institution which are incident to, or of right appertaining to bodies politic and corporate.

Sec. 7. And be it further enacted, That the first meeting of the trustees shall be on the first Monday in June next, in the town of Columbus, at which time and place they or a majority of them shall choose a president by ballot, out of their own body, and in case a majority shall not attend at the first appointed meeting, it shall be in the power of any three members to call a meeting of said trustees by advertisement in the town of Columbus, giving ten days notice of said intended meeting, at which time the members present shall be competent to choose a president; and thereafter the ordinary meetings of the board of trustees shall be on their own adjournment.

Sec. 8. And be it further enacted, That the president or in his absence, a member shall be chosen, pro tempore, as president of the present meeting, and that the board of trustees appointed by this act, shall have full power to fix upon a site for erecting and building said academy; they shall also have power of controlling the regulations of such institutions, and of employing such teachers as they may deem necessary for the literary order of said academy and the good morals of the students.

Sec. 9. And be it further enacted, That the trustees may increase their numbers to the number of twelve and no more; they may fill by ballot all vacancies occasioned by death, removal or resignation; the board may, at their regular meetings, appoint a successor or successors; provided, That the person or persons so chosen or appointed shall, on his accepting said appointment, bind himself in a bond precisely in the same manner as is prescribed for the com-

missioners or trustees hereinbefore mentioned.

Sec. 10. And be it further enacted, That the trustees be and they are hereby authorized to raise, by way of lottery for the benefit of said academy, the sum of five thousand dollars, on such scheme and plan as they may deem advisable.

Sec. 11. And be it further enacted, That all acts and parts of acts, coming within the purview and meaning of this act, be and they are hereby repealed.

BEVERLY R. GRAYSON,
Speaker of the House of Rep.
JAMES PATTON,
Lieut.-Gov. and President of Senate.
Approved, February 10, 1821,
GEORGE POINDEXTER.

CHAPTER III.

Survey and Plan of Town Continued—Leases and Lease-Hold Titles.

The sixteenth section, township 18, range 18 west, ordered by the above act to be surveyed and laid off into town lots of not more than one acre or less than one-fourth of an acre each, is situated within the present limits of the City of Columbus and may be bounded as follows: Begin at a point near the west end of Fourth avenue, south, formerly LaFayette street, running thence one mile due east (passing immediately in front of the old Barry residence facing what was then the south end of Market street) to a point near the southeast corner of the grounds of the Industrial Institute and College, thence north, on a line passing along the east boundary of the old graveyard at east end of Main street to a point on the corporation line one mile from the southeast corner, thence west on the corporation line, running through Dr. Hardy's residence, to a point one mile west of said northeast corner, thence one mile south to the point of beginning on the Tombigbee River. These are the boundaries as they appear on the present maps of the city.

It is plain that the surveyors did not lay off the streets and squares parallel with the section lines. The most apparent reason for this divergence is that they desired to conform to the longest lines east and west, and north and south on the Tombigbee bluff, or wished to make the principal streets, Main and Market, a continuance of the important country roads entering the town.

The streets fail to conform with the point of the compass, the section lines being our guide, by about two hundred yards in a mile. This accounts for the fractional squares on all sides of the section. The survey made about fifteen streets running east and west and the same number running north and south, thus dividing the section into about 225 squares and fractions. To corroborate the idea that the surveyors had regard to the long distances on the crest of the bluff, we find that most of the sites of the early residences were located on this ridge running northeast to southwest. This prefer-

ence for residence sites on this ridge continued until all the ridge was occupied to the base of the hills two miles north of the town, at which point in 1836 there was a survey made by Walthall, Hodge & Co., for a town to be called "Prospect Hill." The town of Prospect Hill included the big spring on Military road, two and a half miles from Columbus. These gentlemen bought this property from a Chickasaw Indian named Immahob, who received it as his reservation from the United States government.

In the original survey Main street occupied its present location, running east and west across the section, being 120 feet wide, and terminated on the west at the ferry across the Tombigbee, as it does now by the iron bridge over that stream, and on the east by connection with the county road crossing at a ferry on the Luxapallila, now spanned by an iron bridge. This road connects Columbus with Pickens and Fayette counties, Ala. Market street, eighty feet wide, crossed Main street at right angles, and at its southern extremity was a continuation of the lower Tuscaloosa road, which running diagonally across h squares left the town at the Palmer Orphanage, thence south to a ferry across the Luxapallila at a place where Blewett's bridge, built in 1837, formerly stood. This road was first over which the stages passed bringing the mail and passengers to Columbus.

Market street, at its northern extremity, connected with the Hamilton road, which leads to old Hamilton, the county seat of Monroe county. The only point on these two streets that can be relied on as correct, from the original survey, and showing the proper direction of the survey, is the brick building on the southwest corner of the Main and Market street crossing built by Henry W. Hunt, in 1831 or 1832, the walls of which still occupy their original site. The building is now occupied as Hirschman's dry goods store.

About 1830 an additional survey was added to the survey of the 16th section, at its southwest corner, and called Moore's survey. Moore's survey was bounded on the north by the 16th section line, on the east by St. Johns, now Fourth street, on the west by the Tombigbee River. This survey was laid off into streets and squares to correspond with the plan of the town, with one exception, the subdivision of the square made the lots run east and west instead of north and south. The date of the survey is located at or before 1830, when Lowndes county was established and Columbus became the county seat, because the residences of some of our oldest citizens, notably T. M. Tucker, H. S. Bennett, Roddy Smith, L. G. Hatch, and others were located on that survey at that time.

Next, at a later date, prior to 1836, came Barry's survey, joining the town on the southeast. This survey was bounded on the north by the six-

teenth section line, on the east by an extension of the section line south seven squares, thence west to St. John's street. The squares and streets in Barry's survey do not correspond exactly with those in the plan of the town. The east and west streets appear to have been named for some of the female members of the Barry family.

The next survey, which was made in February, 1836, was that of Hopkins and Grigsby, and comprised that part of the present plan and not included in the other surveys. The public sale of the squares and lots in Grigsby's survey was accompanied with all the attendants of a modern city boom, such as a brass band, free whiskey, champagne, etc.

The present City of Columbus (1901), includes within its limits, all of these four surveys, together with a strip of land on the east, one fourth of a mile wide and one and three-fourths miles long—making a city block one and one-fourth miles wide by one and three-fourths miles long. The strip of land on the east has not been regularly laid off, and the streets and squares do not correspond with the streets and squares of Columbus, except in Robertson's Addition, a recent survey, well laid off and rapidly filling up with comfortable cottages and thrifty people.

Lease-Hold Titles and Property.

The commissioners having complied with the provisions of the Act relating to the survey of the section and its division into lots, the next most important duty in the Act is the leasing of these lots, which duty was performed by three agents, appointed by the county court of Monroe county, Hon. Stephen Cocks being the only one of these agents whose name is at this time procurable. These agents are supposed to have complied strictly with the provisions of the Act and leased at public outcry to the highest bidder these lots for a term of ninety-nine years, for specified sums to be annually collected and properly secured, and to have appropriately applied the money thus raised for school purposes.

It also appears probable from subsequent facts, that these agents turned over the money first received from these leases to the trustees of the Franklin Academy, an Institution incorporated by the same act, and for which the trustees had been appointed. This board of trustees was composed of the same persons who were commissioned to survey and lay off the lot.

It is also probable that these agents not only turned over the money to the board of trustees but that they also empowered them to make deeds or lease-hold titles for the lots which had been leased. It is certainly true, that the original deeds or lease-hold titles were signed by the trustees of the Franklin Academy, and that the money arising from the leases, was collected by them. Another fact is also true, that these

original deeds contain the words, "Renewable Forever," as an addition to the term of lease of "Ninety-Nine Years," contained in the Act.

However this irregularity in extending the term of lease may have occurred, the validity of the deeds containing this extension, has been ratified by legislative acts, both of the State (Act of 1839) and general government (Act of Congress 1857.)

The State Act of 1839 not only ratified the past action of the trustees of the Franklin Academy but continued their authority to collect and control the sixteenth section school money and to insert "Renewable Forever" in their future deeds.

Another fact connected with this 16th section lease-hold property in the town of Columbus, is that from the time of leasing in 1821 to 1839, it was not considered subject to taxation of any kind and that from 1821 to 1839, a period of eighteen years, no taxes of any kind were collected, although during that period Lowndes county had been organized and the town of Columbus selected as the county seat. This exemption was recognized by the municipal, county and state governments.

In the year 1839, the town of Columbus, finding itself in need of money for municipal purposes (notably to purchase a fire engine) applied by a petition from the mayor and board of selectmen to the State Legislature, to grant them the power to levy a tax on these exempted school lots for this purpose. In accordance with the petition which was incorporated in the Act, the Legislature of 1839 authorized the mayor and selectmen to collect a municipal tax of 1-4 of 1 per cent. from year to year.

This right to tax lease-hold school property owners and in 1844 the Act of 1839 was repealed, but in 1846 it was reenacted with the authority to tax extended to the State and County as well and in 1907 an act declared lease-hold property subject to taxation like any other property. This act was sustained by a decision of the Supreme Court of Mississippi in 1898, in the case of Street and others versus City of Columbus. The attorneys were Hon. J. A. Orr for plaintiff and Col. Wm. Baldwin for the city. For a verification of these statements and facts, the reader is referred to this decision of the supreme court.

The amount of lease arising from the lots in the 16th section in Columbus, at one time, reached an approximate of \$6,000, but has been reduced by forfeitures and releasing to the present amount of \$2,398.54. For thirty years back the trustees of the Franklin Academy have maintained the policy of not allowing the leases to fall below this amount. In all forfeitures, their agent is instructed to bid the lease due, as the lowest bid to be received.

The last instance of a reduction was that in the property now owned by Col. T. J. O'Neil many years previous. Mr. A. R. Wolfington re-

duced the lease on his lot, now owned by Mr. Blanche Weaver, by moving a two-story residence back across the 16th section line, which ran through the lot, and after the reduction moved the house back again.

Keeler's Almanac for 1850 contains this item, "The school fund amounts to between \$2,500 and \$3,000 annually, under the supervision of a board of trustees elected every two years by the resident voters of the township."

"Oldest Inhabitants." Continued Next Sunday.

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